

## **REMARKS**

In response to the Office Action dated August 7, 2008, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1-6, 8, and 17-20 are pending in this application. Claims 7 and 9-16 were previously canceled without prejudice or disclaimer.

### **Rejection of Claims 1-6, 8 & 17-20 under 35 U.S.C. § 103 (a)**

Claims 1-6, 8, and 17-20 were rejected under 35 U.S.C. § 103 (a) as being unpatentable over U.S. Patent 6,463,585 to Hendricks, *et al.*

Claims 1-6, 8, and 17-20, however, are not obvious over *Hendricks*. These claims recite, or incorporate, many features that are not disclosed by *Hendricks*. Independent claims 1 and 17, for example, recite “*storing a webpage in memory of an interactive server for distribution to advertisers*” and “*storing a database stored in the memory of the interactive server, the database storing an advertising schedule for scheduled programming and advertisement characteristics for advertisement time slots in the scheduled programming, the database also storing advertisement pricing information for each advertisement time slot in the scheduled programming.*” Support for these features may be found at least at page 7, lines 28-32 and at page 8, lines 1-11. Independent claims 1 and 17 also recite “*sending the webpage to the advertisers, the webpage notifying the advertisers of a future advertisement time slot in the scheduled programming.*” Support for these features may be found at least at page 8, lines 1-7. Independent claims 1 and 17 also recite “*storing each advertiser’s advertisement in memory*” and “*using the database to select and schedule an advertisement for insertion into a future advertisement time slot.*” Support for these features may be found at least at page 8, lines 11-18. Independent claims 1 and 17 also recite “*receiving the webpage from a particular advertiser’s server, the webpage requesting to override the scheduled advertisement for the future advertisement time slot, the webpage specifying a financial premium for replacing the advertisement with the different advertisement.*” Support for these features may be found at least

at page 8, lines 28-30. Independent claim 1 is reproduced below, and independent claim 17 recites similar features.

1. An advertisement management method, comprising:

storing a webpage in memory of an interactive server for distribution to advertisers;

storing a database stored in the memory of the interactive server, the database storing an advertising schedule for scheduled programming and advertisement characteristics for advertisement time slots in the scheduled programming, the database also storing advertisement pricing information for each advertisement time slot in the scheduled programming;

sending the webpage to the advertisers, the webpage notifying the advertisers of a future advertisement time slot in the scheduled programming;

receiving advertisements from the advertisers, each advertisement categorized as overrideable or non-overrideable by the corresponding advertiser, the overrideable categorization allowing the advertisement to be replaced with a different advertisement, and the non-overrideable categorization not allowing replacement of the advertisement and allowing the advertisement to be delivered as scheduled;

storing each advertiser's advertisement in memory;

using the database to select and schedule an advertisement for insertion into a future advertisement time slot; and

receiving the webpage from a particular advertiser's server, the webpage requesting to override the scheduled advertisement for the future advertisement time slot, the webpage specifying a financial premium for replacing the advertisement with the different advertisement.

*Hendricks* does not obviate at least these features. *Hendricks* receives "programs watched information" to "develop a program line-up." U.S. Patent 6,463,585 to *Hendricks et al.* (Oct. 8, 2002) at column 11, lines 42-44 and 51-54. *Hendricks* also mentions a remote control and "clickstream data." *Id.* at column 10, lines 38-60 and at column 20, lines 26-27. As *Hendricks* explains, this data is used to develop a "switching plan" for different "feeder channels" that carry advertising and programming. *See id.* at column 6, lines 1-13. When a programming break occurs, the terminal is switched amongst the feeder channels, based upon viewing habits and demographics. *See id.* at column 6, lines 24-42.

Still, though, *Hendricks* fails to teach or suggest many of the features of the independent claims. Even though *Hendricks* may discuss replacement of advertisements, *Hendricks* fails to teach or suggest at least “*storing a webpage in memory of an interactive server for distribution to advertisers*” and “*sending the webpage to the advertisers, the webpage notifying the advertisers of a future advertisement time slot in the scheduled programming.*” The patent to *Hendricks, et al.* also fails to teach or suggest at least “*receiving the webpage from a particular advertiser’s server, the webpage requesting to override the scheduled advertisement for the future advertisement time slot, the webpage specifying a financial premium for replacing the advertisement with the different advertisement.*” One of ordinary skill in the art, then, would not think that independent claims 1 and 17 are obvious.

Claims 1-6, 8, and 17-20, then, are not obvious over *Hendricks*. Independent claims 1 and 17 recite many features that are not taught or suggested by *Hendricks*. The respective dependent claims incorporate these same distinguishing features and recite additional features. One of ordinary skill in the art, then, would not think that claims 1-6, 8, and 17-20 are obvious. The Office is thus respectfully requested to remove the § 103 (a) rejection of these claims.

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If any questions arise, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

Scott P. Zimmerman  
Attorney for the Assignee  
Reg. No. 41,390